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VESTA STRATEGIES, LLC; Third Party
Defendant SINGLE SITE SOLUTIONS
CORPORATION; Third Party Defendant
JOHN TERZAKIS; and Third Party Defendant
B&B SPARCO PROPERTIES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VESTA STRATEGIES, LLC,

Plaintiff,

v.

ROBERT E. ESTUPINIAN, GINNY
ESTUPINIAN, MUTUAL VISION, LLC,
MILLENNIUM REALTY GROUP,
VESTA REVERSE 100, LLC, VESTA
CAPITAL ADVISORS, LLC, and
CAROL-ANN TOGNAZZINI,

Defendants.

MUTUAL VISION, LLC,

Counter Claimant,

v.

VESTA STRATEGIES, LLC,

CASE NO. C 07-06216 JW RS

**[PROPOSED] ORDER GRANTING (A)
PLAINTIFF/COUNTER DEFENDANT VESTA
STRATEGIES, LLC'S MOTION TO DISMISS;
(B) THIRD PARTY DEFENDANT JOHN
TERZAKIS' SPECIAL MOTION TO STRIKE
PURSUANT TO THE CALIFORNIA ANTI-
SLAPP STATUTE AND FOR ATTORNEYS'
FEES AND COSTS; AND (C) THIRD-PARTY
DEFENDANTS JOHN TERZAKIS', SINGLE
SITE SOLUTIONS CORPORATION'S, AND
B&B SPARCO PROPERTIES, INC.'S
MOTION TO DISMISS OR STRIKE**

**Date: May 5, 2008
Time: 9:00 a.m.
Department: Room 8, 4th Floor, SJ
Judge: James Ware**

Counter Defendant.

MUTUAL VISION, LLC, ROBERT
ESTUPINIAN, GINNY ESTUPINIAN,

Third Party Claimants,

v.

JOHN TERZAKIS, SINGLE SITE
SOLUTIONS CORPORATION, B&B
SPARCO PROPERTIES, INC., AND
PETER YE,

Third Party Defendants.

Before the Court are: (1) Plaintiff/Counter Defendant Vesta Strategies, LLC's Motion to Dismiss ("Vesta Strategies' Motion to Dismiss"), (2) Third Party Defendant John Terzakis' Special Motion to Strike Pursuant to the California Anti-SLAPP Statute and for Attorneys' Fees and Costs ("Terzakis' Special Motion to Strike"), and (3) Third-Party Defendants John Terzakis', Single Site Solutions Corporation's, and B&B Sparco Properties, Inc.'s Motion to Dismiss or Strike ("Third Party Defendants' Motion to Dismiss"). (See Docket Item No. ____). Based on the papers submitted to date and for good cause appearing, the Court ORDERS that:

1. Vesta Strategies' Motion to Dismiss is GRANTED pursuant to Federal Rule of Civil Procedure 12(b)(6).

2. Terzakis' Special Motion to Strike is GRANTED pursuant to Federal Rule of Civil Procedure 12(b)(6) and the California Anti-SLAPP Statute, CAL. CIV. P. CODE § 425.16, *et seq.*

3. The Third-Party Defendants' Motion to Dismiss is GRANTED pursuant to Federal Rule of Civil Procedure 12(b)(6) and/or stricken pursuant to Federal Rules of Civil Procedure 12(f) and 14(a)(4).

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4. The Estupinians shall pay Terzakis his attorneys' fees and costs in connection with Terzakis's Special Motion to Strike.

Dated: _____, 2008

JAMES WARE
United States District Judge

MPK 136413-1.029407.0020